

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DAVID JOSEPH ELKINS,

08-CV-799-PK

Plaintiff,

ORDER

v.

CITY OF PORTLAND,

Defendant.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#40) on July 20, 2009, in which he recommends this Court dismiss *sua sponte* Elkins's state-law claims without prejudice to his ability to bring those claims in state court and deny as moot Elkins's Motion for a More Definite Statement and

Defendant City of Portland's Motion to Dismiss. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983)(rev'd on other grounds). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8<sup>th</sup> Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

#### CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#40). Accordingly, the Court **DISMISSES** sua sponte Elkins's state-law claims **without prejudice** to his ability to bring those claims in state court and **DENIES as moot** Elkins's Motion for a More Definite Statement and Defendant City of Portland's Motion to Dismiss.

IT IS SO ORDERED.

DATED this 6th day of August, 2009.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge